

**Notice of Allowability**

Application No.

09/687,271

Examiner

Ngoc K. Vu

Applicant(s)

MIZUTANI, KENJI

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/19/05.
2. ☒ The allowed claim(s) is/are 1-3, 7, 10-22, 27, 30-38, 44, 46-55 and 57-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rosalio Haro on October 24, 2005.

The application has been amended as follows:

#### **In the claims:**

Claim 1, last line, "the Internet." has been changed to --Internet to retrieve said video encoded data file.--.

Claims 4-6 are cancelled.

Claim 10, last line, "said first computing device." has been changed to --said first computing device;

wherein said first data store is remote to said second computing device, and said second computing device accesses said first data store via Internet to retrieve said video encoded data file.--.

Claim 13, lines 2-3, "said first memory store." has been changed to --said first data store.--;

Claim 17, line 2, "said plurality of encoded video data files" has been changed to --said encoded data files--.

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Claim **18**, last line, "free space" has been changed to --free space;

wherein said first data store is remote to said second computing device, and said second computing device accesses said first data store via Internet to retrieve said video encoded data file.--.

Claims **23-26** are cancelled.

Claim **27**, last line, "available tuners." has been changed to --available tuners;

wherein said first data store is remote to said second computing device, and said second computing device accesses said first data store via Internet to retrieve said video encoded data file.--.

Claims **28-29** are cancelled.

Claim **38**, line 6, "the Internet" has been changed to --Internet--.

Claim **38**, line 12, "the resultant encoded data file" has been changed to --said encoded data file--, and "said data file" has been changed to --said encoded data file--.

Claim **38**, last line, "the Internet." has been changed to --the Internet; and

wherein said tuner is one of a plurality of tuners and said second data store further comprising multiple memory storage units having a one-to-one correspondence with each of said plurality of tuners;

each tuner and its corresponding memory storage unit sharing a common status rating indicating if the tuner is active, scheduled for later use, or free, indicating that the tuner is inactive and not scheduled for later use, an active rating being of higher value than a scheduled rating, and a scheduled rating being of higher value than a free rating;

each tuner and its corresponding memory storage unit further sharing an adjustable priority level having a low default value that is selectively adjusted when a tuner is scheduled for later use;

said apparatus being effective for monitoring the available memory space remaining in an active tuner's corresponding memory storage unit and effective for initiating a memory reassignment routine in response to said available memory space being below a predetermined value, said memory reassignment routine being effective for identifying a set of memory storage units having the lowest status rating and assigning the storage unit of lowest priority within the set of said active tuner.--.

Claims **39-43** and **45** are cancelled.

Claim **46**, line 2, "comprising:" has been changed to --comprising the steps of:--.

Claim **46**, last line, "predetermined destination location." has been changed to --predetermined destination; and

wherein said recording instructions specifying the selection of a broadcast station and a corresponding recording time window is defined as a recording session, and step b includes submitting multiple recording sessions to said second computing device, said second computing device assigning a different memory space to each of said multiple recording sessions in a one-to-one correspondence, step d including storing the encoded digital representation of a recording session in its corresponding memory space.--.

Claim **47**, lines 1-2, "the Internet." has been changed to --Internet.--.

Claim **54**, line 2, "encoded signal representation" has been changed to --encoded digital representation--.

Claim **55**, line 2, "encoded signal representation" has been changed to --encoded digital representation--.

Claim **56** is cancelled.

Claim **57**, line 1, "the method of claim 56" has been changed to --the method of claim 46--.

Claim 58, line 1, "the method of claim 56" has been changed to --the method of claim 46--.

2. The following is an examiner's statement of reasons for allowance:

The closest prior, Franco (US 20020046407 A1) teaches that a broadcast content recording system is remotely programmed via computer network, i.e., Internet, to record a broadcast content such as television programs that are selected by a user through a web page; Simmons (US 20010039659 A1) teaches that a system for transporting media files from content provider sources to home entertainment devices including recorded media files originating from the video source and/or audio source are encoded and transferred to a media server for storage. Franco and Simmons fail to teach or fairly suggest the limitations: "wherein said first data store is remote to said second computing device, and said second computing device accesses said first data store via Internet to retrieve said video encoded data file" as recited in claims 1, 10, 18 and 27; "wherein said second computing device specifies a maximum file size for said video encoded data file created by said first computing device" as further recited in claim 10; "wherein said first computing device has a second data store...and the currently available free space" as further recited in claim 18; "wherein said first computing device has access to...available tuners" as further recited in claim 27; "wherein said tuner is one of a plurality of tuners...within the set to said active tuner" as recited in claim 38; and "wherein said recording instructions specifying the selection...memory space" as recited in claim 46.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

October 28, 2005